

CITY COUNCIL  
ATLANTA, GEORGIA

A RESOLUTION BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION  
COMMITTEE

01-*L*-1422

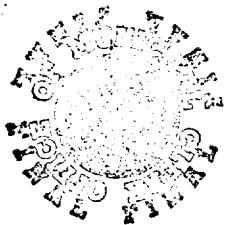
A RESOLUTION AUTHORIZING SETTLEMENT OF ALL CLAIMS OF SIMON KIMMELMAN AS BANKRUPTCY TRUSTEE OF KIWI INTERNATIONAL AIR LINES, INC. IN THE CASE OF KIMMELMAN V. THE CITY OF ATLANTA (IN RE: KIWI INTERNATIONAL AIR LINES, INC.), CH. 11 CASE NUMBER 96-28679(RG), ADV. NO. 99-3852 IN THE UNITED STATES BANKRUPTCY COURT, DISTRICT OF NEW JERSEY; TO CAUSE PAYMENT TO BE MADE IN THE AMOUNT OF FIVE THOUSAND DOLLARS (\$5,000.00); AND FOR OTHER PURPOSES.

WHEREAS, on September 30, 1996, Kiwi International Air Lines, Inc. filed for Bankruptcy relief in the case of In Re: Kiwi International Air Lines, Inc., pursuant to 11 U.S.C. §§ 101 *et seq.* (Chapter 11 of the United States Bankruptcy Code); and on August 30, 1999 the Trustee in Bankruptcy therein, Simon Kimmelman, did initiate an Adversary Complaint to Recover Preferential Payments pursuant to 11 U.S.C. §547 against the City of Atlanta under Adversary No. 99-3852; and

WHEREAS, the Trustee's lawsuit stems from payments received by the City of Atlanta from Kiwi International Air Lines, Inc. within ninety (90) days prior to the filing of the Bankruptcy Petition. The lawsuit alleges that such payments constitute an illegal preference under the Bankruptcy Code and seeks their return; and

WHEREAS, after negotiating, counsel for the parties agreed to settle all claims in this matter for \$5,000.00, contingent upon the approval of the Atlanta City Council and the Mayor; and

WHEREAS, the offer of settlement acceptable to Mr. Kimmelman is, in the opinion of the City Attorney, in the City's best interest and appropriate to settle all claims arising out of the case of Kimmelman v. The City of Atlanta (In Re: Kiwi International Air Lines, Inc.), Ch. 11 Case No. 96-28679(RG), Adv. No. 99-3852.



NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, that the City Attorney be and is hereby authorized to conclude settlement of all claims against the City of Atlanta arising out of the lawsuit filed by Simon Kimmelman as Trustee for the Bankruptcy Estate of Kiwi International Air Lines, Inc., filed in the United States Bankruptcy Court, District of New Jersey, Kimmelman v. City of Atlanta (In Re Kiwi International Air Lines, Inc.), Ch. 11 Case No. 96-28679(RG), Adv. No. 99-3852, for the sum of Five Thousand Dollars (\$5,000.00); and the City Attorney is authorized to sign documents in full, final and complete settlement of all matters arising out of the above referenced lawsuit.

BE IT FURTHER RESOLVED that the Chief Financial Officer is authorized to pay the total of FIVE THOUSAND DOLLARS (\$5,000.00) at the direction of the City Attorney from the account of 2H01 529017 T31001. Such payment will be in full consideration of the dismissal of all claims against the City of Atlanta in the Adversary matter.

A true copy,

*Rhonda Daughtry Johnson*  
Municipal Clerk, CMC

ADOPTED by the Council  
RETURNED WITHOUT SIGNATURE OF THE MAYOR  
APPROVED as per City Charter Section 2-403

SEP 17, 2001

SEP 26, 2001

RCS# 3125  
9/17/01  
6:44 PM

Atlanta City Council

Regular Session

MULTIPLE

Public Safety Items 2-11

ADOPT *OR 1422*

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 1  
ABSENT 0

Y McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	E Maddox	Y Alexander
Y Winslow	NV Muller	Y Boazman	NV Pitts

MULTIPLE

01-R-1422

(Do Not Write Above This Line)

A RESOLUTION

BY THE PUBLIC SAFETY AND LEGAL  
ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING SETTLEMENT  
OF ALL CLAIMS OF SIMON KIMMELMAN AS  
BANKRUPTCY TRUSTEE OF KIWI  
INTERNATIONAL AIRLINES, INC. IN THE CASE  
OF KIMMELMAN V. THE CITY OF ATLANTA  
(IN RE: KIWI INTERNATIONAL AIRLINES, INC.).  
CH. 11 CASE NUMBER 96-28679(RG).  
ADV. NO. 99-3852 IN THE UNITED STATES  
BANKRUPTCY COURT, DISTRICT OF  
NEW JERSEY; TO CAUSE PAYMENT TO BE  
MADE IN THE AMOUNT OF FIVE THOUSAND  
DOLLARS (\$5,000.00); AND FOR OTHER  
PURPOSES.

APPROVED BY:

*Rosalind Rubens Newell*

ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

ADOPTED BY

SEP 17 2001

- ☐ CONSENT REFER  
☐ REGULAR REPORT REFER  
☐ ADVERTISE & REFER  
☐ 1st ADOPT 2nd READ & REFER  
☐ PERSONAL PAPER REFER

COUNCIL

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee \_\_\_\_\_  
Date \_\_\_\_\_  
Chair *C. T. Martin*  
Referred to \_\_\_\_\_

Committee *Public Safety*  
Date *9/17/01*  
Chair *C. T. Martin*  
Action: \_\_\_\_\_  
Fav, Adv, Hold (see rev. side) \_\_\_\_\_  
Other: \_\_\_\_\_  
Members \_\_\_\_\_  
Refer To \_\_\_\_\_

Committee \_\_\_\_\_  
Date \_\_\_\_\_  
Chair \_\_\_\_\_  
Action: \_\_\_\_\_  
Fav, Adv, Hold (see rev. side) \_\_\_\_\_  
Other: \_\_\_\_\_  
Members \_\_\_\_\_  
Refer To \_\_\_\_\_

FINAL COUNCIL ACTION

- ☐ 2nd ☐ 1st & 2nd ☐ 3rd  
Readings  
☐ Consent ☐ V Vote ☐ RC Vote

CERTIFIED

SEP 17 2001

CERTIFIED  
SEP 17 2001

*for*  
DEPUTY MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

SEP 26 2001

WITHOUT SIGNATURE  
BY OPERATION OF LAW